

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Review of the Commission's
Broadcast and Cable
Equal Employment Opportunity
Rules and Policies

)
)
)
)
)
)

MM Docket No. 98-204

To: The Commission

Comments of American Women in Radio and Television, Inc.

AMERICAN WOMEN IN RADIO AND TELEVISION, INC. ("AWRT") hereby submits comments in response to the Commission's Third Notice of Proposed Rulemaking ("NPRM"), FCC 02-303, released November 20, 2002, in the above-captioned proceeding. AWRT deems it essential for the Commission to impose its new EEO requirements on broadcasters and multichannel video programming distributors ("MVPDs") seeking to fill part-time job vacancies.¹ Applying the new EEO rules to part-time vacancies will ensure that all of a community's labor pool is made aware of opportunities, including part-time opportunities, in these industries.

AWRT is a national, non-profit organization dedicated to advancing the impact of women in electronic media and allied fields through education, advocacy, and serving as a resource for its members and the industry. AWRT members are professional women and men employed in radio, television, cable, advertising and other closely allied fields.

¹ On November 7, 2002, the Commission adopted new EEO requirements for broadcasters and multichannel video programming distributors with regard to all full-time job vacancies. These new rules require licensees to broadly recruit for all full-time job vacancies; notify organizations who request such notification of all full-time job vacancies, and engage in recruitment initiatives every one or two years, depending on which industry the service is in. *Review of the Commission's Broadcast and Cable Equal Employment Rules and Policies*, Second Report and Order, FCC 02-303, rel. Nov. 20, 2002.

For more than 50 years, AWRRT's mission has been to promote the entry and advancement of women in management and ownership of broadcast companies and related businesses. As an integral part of its support of women's advancement in the broadcasting industry, AWRRT has actively participated in numerous Commission proceedings that have addressed ownership and employment issues, including the recently completed second EEO proceeding. AWRRT is participating in this proceeding because of its critical implications for future employment opportunities for women in the broadcast and MVPD industries.

It is essential for the Commission to adopt policies and rules holding broadcasters and MVPDs accountable for EEO recruitment for part-time job vacancies and not just full-time vacancies. Recent studies continue to show that women and minorities are underrepresented in broadcast stations and broadcast newsrooms, and that women are absent particularly at the highest levels of management.² Requiring broad outreach for recruitment of employees to fill full-time vacancies is a good start to reversing the trend of underrepresentation. Importantly, however, with many broadcasters and MVPD operators utilizing part-time employees for station functions including sales, engineering, production, office staff and research, and other non-managerial functions, it is critical that such employers be required to recruit for part-time vacancies, too.³

² RTNDA/Ball State University, *2001 Survey of Women and Minorities in Radio and Television News*, published on-line at www.rtna.org/research; Annenberg Public Policy Center, *The Glass Ceiling in the Executive Suite: The 2nd Annual APPC Analysis of Women Leaders In Communications Companies*, published on-line at www.appcpenn.org/reports/2002/glass-ceiling-v2.pdf; Press Release of the Most Influential Women in Radio dated December 20, 2002, attached hereto as Exhibit A.

³ Exact statistics on the number of employees hired in part-time positions throughout the industry are not generally available. Nevertheless, based on an informal survey of historic Form 395(B)s, AWRRT estimates that the number of part-time positions at most broadcast stations ranges from ten to thirty percent of the station's employees.

In AWRT's opinion, allowing a lesser standard or no standard of recruitment for the hiring of part-time employees is unacceptable. Such a policy could easily be manipulated and exploited at the employer level, i.e., an employer has the potential to manipulate a job description to reduce the weekly hours to under thirty hours simply to avoid having to fully recruit for the position under the new EEO rules.

In addition, a lesser standard or no standard of recruitment for part-time job vacancies is inconsistent with the Commission's goal of promoting a diverse workforce. The goal of achieving a diverse workforce clearly is not served by a lack of rules requiring wide dissemination of vacancies for part-time opportunities, especially with many companies redesignating full-time jobs as part-time jobs for cost saving benefits. As in most industries, a part-time position affords the opportunity to (i) learn important job skills and (ii) learn about the company and its available full-time opportunities. Part-time positions also allow individuals the opportunity to get a "foot-in-the-door." Further, part-time positions are critical to promoting interest in any industry among college-aged people. Indeed, part-time positions provide many individuals with their first "look" at the broadcasting industry. Furthermore, part-time personnel are the ready pool of people available for internal training and mentoring of the type encouraged under the new EEO recruitment initiatives. Accordingly, AWRT believes it is vital that the Commission implement the same or substantially the same broad outreach recruitment requirements as implemented for full-time positions for part-time vacancies.⁴

⁴ The NPRM asks whether the Commission should set a minimum number of hours at which a part-time position would be covered by the EEO rules and what that minimum should be. NPRM at ¶182. AWRT suggests extending the EEO rules to all part-time positions with hourly requirements of 15 hours or more per week. Fifteen hours per week is not so low as to require licensees to recruit for positions which provide for very limited employee involvement in station activities. Yet, a 15-hour requirement would

AWRT submits that requiring less than broad outreach for all part-time vacancies will frustrate the objectives of the EEO rules and impose further burdens on broadcasters and MVPDs. Under the rules as recently adopted, if an employer hires a part-time employee without wide recruitment the employer cannot promote the employee to full-time without undergoing wide recruitment first, even if the part-time employee is its candidate of choice. Only if the employer had the foresight to recruit using broad outreach at the time it hired the part-time employee would it be free to offer the full-time position to the part-time employee. Such a situation will lead to a mechanical implementation of the employer's obligation to recruit broadly. Moreover, such practices will serve as a disincentive to potential employees who view part-time employment as a viable means of entry into the industry, while perpetuating the cynicism of formulaic outreach for no purpose, since the part-time employee targeted for full-time promotion is pre-determined.

AWRT does not believe requiring broad outreach for the recruitment of part-time employees would impose much additional administrative burden on licensees. Under the new EEO rules, employers are required to develop lists of recruitment sources and solicit requests for notification from the public. Clearly, there is no additional burden in requiring broadcasters and MVPD's to use already-developed resources when hiring part-time employees. Moreover, the recordkeeping requirements are not unduly burdensome. Employers are required to collect and keep only limited information about its interviewees and hirees. Collecting and keeping such information for part-time positions

limit the number of "exempt" part-time positions for which a licensee need not recruit, thereby ensuring wide dissemination for the majority of part-time vacancies.

will not significantly increase the obligations of employers because they are already collecting and keeping such information for their full-time openings.

For all of the foregoing reasons, AWRT requests the Commission adopt the same or substantially the same EEO rules and policies for outreach to fill part-time openings as it recently adopted for full-time openings.

Respectfully submitted,

AMERICAN WOMEN IN RADIO AND
TELEVISION, INC.

By: 

Maria Brennan
Executive Director
8405 Greensboro Drive
Suite 800
McLean, VA 22102

January 16, 2003

EXHIBIT A



P R E S S

R E L E A S E

FOR IMMEDIATE RELEASE

For more information contact:

Joan E. Gerberding

609-419-0240

VIA-EMAIL—2 pages

GENERAL MANAGER GENDER ANALYSIS RELEASED BY MIW'S
Female GM's Still Hard to Find in Radio Industry

Princeton, NJ...December 20, 2002—The Most Influential Women in Radio group (MIW's) has released a General Manager Gender Analysis Summary showing that opportunities for women to rise to the top operational position in radio are still far below the opportunities for men, according to the MIW general manager composition analysis based on information provided to them by MStreet publications.

"The analysis, which includes all groups in all markets who own 12 or more radio stations, clearly shows that the radio broadcasting industry is "behind the curve" in advancing women to top management spots," commented Joan E. Gerberding, President of Nassau Media Partners and spokesperson for the MIW group.

Some companies, however, stand out: Entravision and HBC have the highest percentages of women GM's with 35% and 33% respectively. The average percentage of female GM's for the fourteen groups with 50+ stations is a mere 19%, with Entercom exceeding that at 21%. Clear Channel has 17%, Infinity has 14% and Salem again comes in at zero.

ABC, with 37 stations, has far and away the highest percentage of female GM's among the large radio groups: 52%. Clear Channel has the largest number of female "middle" managers (not GM's) with 44 out of 252.

Thirty-nine groups with 12 or more stations have NO women managers. These groups, which

-- more --

represent 816 radio stations across the country include Dowdy, Journal Broadcasting, Salem, Midwest Family, Simmons and New Northwest.

Arbitron Market Rank	Total Stations*	General Sales Manager^				
		Female	Female %	Male	Male %	Total
1-10	536	128	26.7%	351	73.3%	479
11-25	709	159	24.7%	484	75.3%	643
26-50	787	213	28.9%	523	71.1%	736
51-100	1310	332	28.2%	845	71.8%	1177
101-298	2894	841	31.2%	1852	68.8%	2693
1-25	1245	287	25.6%	835	74.4%	1122
1-50	2032	500	26.9%	1358	73.1%	1858
1-100	3342	832	27.4%	2203	72.6%	3035
All Arbitron	6236	1673	29.2%	4055	70.8%	5728
Non Arbitron	5034	1303	28.8%	3216	71.2%	4519
All	11270	2976	29.0%	7271	71.0%	10247

The 2002 MStreet data also confirms that out of the 11,270 radio stations in all Arbitron and non-Arbitron rated markets, in all management positions surveyed (GM, GSM, NSM, LSM, and PD), only 19.3% are held by women.

Market Rank	Stations*	All Positions				
		Female	Female %	Male	Male %	Total
1-10	536	374	20.6%	1440	79.4%	1814
11-25	709	454	19.5%	1870	80.5%	2324
26-50	787	581	21.6%	2109	78.4%	2690
51-100	1310	818	19.7%	3337	80.3%	4155
101-298	2894	1841	20.1%	7323	79.9%	9164
1-25	1245	828	20.0%	3310	80.0%	4138
1-50	2032	1409	20.6%	5419	79.4%	6828
1-100	3342	2227	20.3%	8756	79.7%	10983
All Arbitron	6236	4068	20.2%	16079	79.8%	20147
Non Arbitron	5034	2693	18.3%	12000	81.7%	14693
All	11270	6761	19.4%	28079	80.6%	34840

"The broadcasting industry, for the most part, continues to under value the need for the talent, vision and experience of female managers. Competition has heightened, the demand for qualified managers has increased and yet progress in the development of a gender diverse broadcast industry is next to nothing," continued Gerberding. "Gender diversity promotes the widest range of ideas and solutions, and it insures a balanced and vibrant work environment that encourages problem solving and, ultimately, positive growth."

The MIW group of top-level radio women across the country has dedicated themselves to using their influence and resources to help put more women in positions of leadership in radio.

For contact information for each MIW, along with interviews, articles and MIW presentations, or to join the MIW Network, go to www.RadioMIW.com.

Who We Are

In July 1999, nominations for inclusion of professional radio women on a prestigious list of the "Top 20 Most Influential Women in Radio" were sent out by Radio Ink magazine. The criteria for earning this honor included how the nominated women influenced or inspired changes within the industry--what they had done outside of the walls of their own stations to "make a difference"--what made them stand out; the kind of spirit, energy and vision they brought to their careers and how they actively worked toward reaching out with that vision to help change the landscape of the radio industry.

Out of the first 20 "MIW's" in 1999, 13 got together to form the charter group and to actively work to bring more diversity to the radio industry. Their mission: to use their influence and resources to help put more women in positions of leadership in the radio industry, on broadcasting company boards and on boards of radio associations.

Those 13 original MIW's, along with the new group members from the subsequent annual "Top 25" MIW lists are: Edie Hilliard, VP/COO, Jones Radio Networks, Erica Farber, Publisher/CEO, Radio & Records, Inc., Joan Gerberding, President, Nassau Media Partners, Mary Beth Garber, President, Southern California Broadcasters Association, Rona Landy, former VP/GM, WLTW/WTJM, Clear Channel Communications, Julie Lomax Brauff, CEO, Breakthrough Marketing, Val Maki-Candido, VP/GM, KPWR-FM/ Emmis Communications, Corinne Baldassano, Media Consultant, Judy Carlough, former VP, Advertiser Services/Arbitron Webcast Ratings Division, Mary Quass, President, NewRadio Group, Bonnie Press, President, Katz Dimensions, Denise Oliver, Media Consultant, Nancy Vaeth-DuBroff, SVP/Regional Manager, KRBE, Mary Bennett, EVP/National Marketing, RAB, Lisa Decker, VP/GM Infinity/Seattle, Kim Guthrie, VP/GM, Cox Radio/Long Island, N.Y., Laura Hagan, President, Katz Hispanic Media, Jodi Long, VP/GM, Infinity Promotions Group/Boston, Rhonda Munk, EVP/DOS, Premiere Radio Networks, Ruth Presslaff, Presslaff Interactive, Cindy Weiner Schloss, Regional VP/Clear Channel/New Mexico, Kathy Stinehour, former

EVP, Clear Channel/Chicago, Amy Waggoner, President/General Manager, KQRS, Inc., and Mary Ware, VP/Director, Katz Urban Dimensions.

#